

DENTON COUNTY
COMMISSIONERS COURT

11/09/2021

Month Day Year

21 09 21

Court Order Number

5. B.
THE ORDER:

Approval of the Indigent Defense Grant Program Resolution to be eligible for Indigent Defense Formula Grant revenue from the Texas Indigent Defense Commission, and any appropriate action.

Motion by Williams

Seconded by Mitchell

County Judge
Andy Eads
Yes
Abstain ___
No ___
Absent ___

Commissioner Pct No 1
Ryan Williams
Yes
Abstain ___
No ___
Absent ___

Commissioner Pct No 2
Ron Marchant
Yes
Abstain ___
No ___
Absent ___

Commissioner Pct No 3
Bobbie J. Mitchell
Yes
Abstain ___
No ___
Absent ___

Commissioner Pct No 4
Dianne Edmondson
Yes
Abstain ___
No ___
Absent ___

Motion Carried 5-0-0

Other Action: Pulled from Consent ___ No Action ___ Postponed ___

BY ORDER OF THE COMMISSIONERS COURT:

ATTEST:

Andy Eads
Presiding Officer



Juli Luke, County Clerk
and Ex-Officio Clerk of the
Commissioners Court of
Denton County, Texas

APPROVED AS TO FORM:
[Signature]
Assistant District Attorney

BY: [Signature]
Deputy County Clerk

AGENDA PLACEMENT MEMO

DATE: January 30, 2020
TO: Commissioners Court
FROM: Jeff May, County Auditor
SUBJECT: 2021 State Indigent Defense Grant Program

REQUESTED ACTION/RECOMMENDATION

Approval of the 2021 Denton County Resolution for participation in the State Indigent Defense Grant Program, and any appropriate action.

BACKGROUND

Under the provisions of Senate Bill 7 (the Fair Defense Act) as passed by 2001 state legislature, counties are eligible to receive grant funds from the State Task Force on Indigent Defense to provide improvements in indigent defense services in the county.

To receive the 2021 formula grant, the county must complete an application which includes approval of the attached resolution. The resolution names the county's authorized grant official, program director and financial officer. It also gives assurance that any misuse of grant funds will be covered by the county.

OPERATIONS AND MAINTENANCE

Funds received from this annual grant may be used to improve indigent legal defense services in the county, or they may be used to offset increases in costs due to the implementation of the Fair Defense Act.

LEGAL INFORMATION

Annual grants to counties by the Task Force on Indigent Defense are authorized by Senate Bill 7 from the 77th regular session of the legislature in 2001. SB 7 has been codified as Chapter 71 of the Government Code.

Per Chapter 133.107 of the Local Government Code, all persons convicted of offenses, other than pedestrian or parking offenses, in Justice of the Peace, County, or District Courts must pay a \$2 fee to be used to fund indigent defense representation. Fees

collected by the County are remitted quarterly to the State Comptroller. One of the uses of these fees is to fund the Indigent Defense Formula grants.

FINANCIAL IMPACT

The projected allocation for Denton County from this grant program for FY 2021 is still to be determined. The FY 2020 General Fund revenue budget for this grant is \$300,000. Actual funds received from this grant in 2020 were \$453,543.

PROJECT SCHEDULE

The contract amendments need to be approved as soon as possible. Reimbursement reports will be processed and submitted by the County Auditor's office on a quarterly basis.

PRECEDING COURT ACTION

These contracts were first approved by the Denton County on August 26, 1997. The contracts were renewed in August, 2002, in August, 2007 and in September 2010.

**2022 Denton County Resolution
Indigent Defense Grant Program**

WHEREAS, under the provisions of the Texas Government Code Section 79.037 and Texas Administrative Code Chapter 173, counties are eligible to receive grants from the Texas Indigent Defense Commission to provide improvements in indigent defense services in the county; and

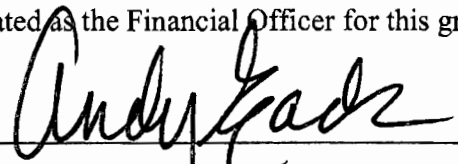
WHEREAS, this grant program will assist the county in the implementation and the improvement of the indigent criminal defense services in this county; and

WHEREAS, Denton County Commissioners Court has agreed that in the event of loss or misuse of the funds, Denton County Commissioners assures that the funds will be returned in full to the Texas Indigent Defense Commission.

NOW THEREFORE, BE IT RESOLVED and ordered that the County Judge of this county is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Formula Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that the County Auditor is designated as the Financial Officer for this grant.

Adopted this 9th day of November, 2021.



Andy Eads
County Judge

Attest:



County Clerk



**2022 Denton County Resolution
Indigent Defense Grant Program**

WHEREAS, under the provisions of the Texas Government Code Section 79.037 and Texas Administrative Code Chapter 173, counties are eligible to receive grants from the Texas Indigent Defense Commission to provide improvements in indigent defense services in the county; and

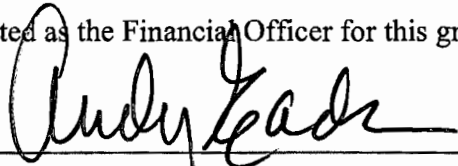
WHEREAS, this grant program will assist the county in the implementation and the improvement of the indigent criminal defense services in this county; and

WHEREAS, Denton County Commissioners Court has agreed that in the event of loss or misuse of the funds, Denton County Commissioners assures that the funds will be returned in full to the Texas Indigent Defense Commission.

NOW THEREFORE, BE IT RESOLVED and ordered that the County Judge of this county is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Formula Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that the County Auditor is designated as the Financial Officer for this grant.

Adopted this 9th day of November, 2021.



Andy Eads
County Judge

Attest:



County Clerk





TEXAS INDIGENT DEFENSE COMMISSION

209 West 14th Street, Suite 202 Price Daniel, Sr. Building,
Austin, Texas 78701
512-936-6994
www.tidc.texas.gov

**FY2022 Formula Grant Program
Request for Applications (RFA)**

Issued September 2021

Formula Grant Program Overview

The Texas Indigent Defense Commission (Commission) provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. Formula Grants are awarded to eligible Texas counties to help counties meet constitutional and statutory requirements for indigent defense and to promote compliance with standards adopted by the Commission.

Application Due Date

Formula grant applications for Fiscal Year 2022 must be submitted on-line **by Monday, November 15, 2021**. The grant period is October 1, 2021 through September 30, 2022.

Total FY 2022 Formula Grant Amount Budgeted: \$20.5 million

Eligibility for Formula Grants

Only Texas counties may apply. Counties must meet the following requirements:

- 1) **Indigent Defense Expenditure Report** — All counties are statutorily required (Texas Government Code Sec. 79.036 (e)) to submit an Indigent Defense Expenditure Report each year on November 1 in the form and manner prescribed by the Commission. Counties that do not complete the Indigent Defense Expense Report on or before November 1, 2021 may have payments temporarily suspended by Commission staff until the report is submitted and reconciled by staff.
- 2) **Indigent Defense Plan Requirements** — The Local Administrative District Judges, the Local Statutory County Court Judges (or County Judge as applicable) and the Chairman of the Juvenile Board for each county must submit a copy of all formal and informal rules and forms that describe the procedures used in the county to provide indigent defendants with counsel in accordance with the Code of Criminal Procedure (Countywide Plans) to the Commission as required in Government Code §79.036. The Countywide Plans submitted must be in compliance with applicable statutes and rules and must meet the minimum requirements for each plan section as outlined in the Biennial Indigent Defense Countywide Plan Instructions. Plans were due November 1, 2020. Formula grant payments during the year may be withheld until plans are submitted or meet the minimum requirements for each plan section set by Commission.

- 3) **Compliance with Monitoring Reports** — A county must respond within the required time, take corrective action for findings of non-compliance, and satisfactorily address all recommendations in a Commission fiscal or policy monitoring report. Failure to comply with any of these requirements could result in the Commission imposing a remedy under TAC 173.307 or Texas Government Code §79.037.
- 4) **Office of Court Administration Reporting Requirements** — The applicants' county and district clerks must be in compliance with monthly reporting requirements listed below.
- a) Texas Judicial Council Monthly Court Activity Reports required by Texas Administrative Code Chapter 171 and Texas Government Code §71.035; and
 - b) Appointments and Fees Monthly Reports required under Chapter 36, Texas Government Code.

Reports for September 2020 through August 2021 are due not later than September 30, 2021 and must be submitted to OCA electronically unless OCA grants a temporary waiver for good cause.

How Formula Grants are Calculated

Every county is eligible to receive a grant of \$15,000 plus its share of the remaining funds budgeted by the Commission for the Formula Grant Program calculated by:

- 50 percent on the County's percent of state population; and
- 50 percent on the County's percent of statewide direct indigent defense expenditures for the previous year (as defined in Title 1, Part 8, Texas Administrative Code Sec. 173.202(1)-(3)):
 - less discretionary funds provided by the Commission for expenditures defined in Title 1, Part 8, Texas Administrative Code Sec. 173.202(1)-(3)
 - less the reimbursed costs of operating a regional program
 - The baseline requirements below do not apply to counties with a 2000 Census population of less than 10,000.

The County shall not receive more in funds than what was actually spent by the county in the prior year.

Baseline — The baseline is the minimum amount counties must spend in indigent defense before they qualify for formula grants. To meet the requirements under Texas Government Code §79.037(d), the Commission has adopted as an expenditure baseline based on each county's FY01 indigent defense expenditures. Attorney fees, investigator expenses, expert witness expenses, and other litigation expenses paid by the county on behalf of indigent criminal defendants / juvenile respondents are allowable expenses. This information remains a static baseline. The baseline requirement does not apply to counties with a 2000 Census population of less than 10,000.

How to Apply for Formula Grant

Applications are submitted online at <http://tidc.tamu.edu>. All county judges have been assigned a unique user name and password. The application requires a commissioner's court resolution to be scanned and e-mailed or uploaded on the application page of the website. The resolution is generated by the on-line system and must be printed from the on-line application page.

If a person other than the recipient of this letter needs to obtain a user name and password for the online application system, contact the Public Policy Research Institute (PPRI) at Texas A&M University. PPRI manages the collection, storage and retrieval of data for the Commission. County officials may contact PPRI through e-mail, (hcaspers@ppri.tamu.edu) or phone (979) 845-6754. PPRI will not provide user names and passwords over the phone. Individuals using personal e-mail accounts may be asked to provide additional information.

Application Steps

- a. Go to the TIDC Grants and Reporting website (hosted by PPRI) at <https://tidc.tamu.edu>.
- b. Sign in and enter the User ID and Password or contact PPRI (Follow on-line page instructions).
- c. Select "FY2022" and your county in the upper left part of the screen.
- d. Select "Apply for Formula Grant" from the column on the left side of the screen.
- e. Review the eligibility requirements. The screen will display the County's compliance status regarding indigent defense plans. Counties that have outstanding requirements will not be able to receive funds until they meet all grant program eligibility requirements. If indigent defense plans are not marked "Complete" counties should still submit the application and then contact the Commission for instructions to resolve plan compliance issues.
- f. Identify the individuals in the following grant positions as required in Texas Administrative Code Rule 173.301.
 - i. Authorized official - This person must be authorized to apply for, accept, decline, modify, or cancel the grant for the applicant county. A county judge or a designee authorized by the governing body in its resolution may serve as the authorized official
 - ii. Fiscal Officer - This person must be the county auditor or county treasurer if the county does not have a county auditor.Use the "**Change**" button make changes as needed to officials or contact information.
- g. Click the "**Submit**" button at the bottom of the screen. You should be taken to a confirmation page at that point.
- h. Maintain confirmation – When the system provides a confirmation page to the grant officials confirming that the application has been completed and informing them that the resolution must be adopted by the commissioner's court and then faxed to the Commission. **PLEASE PRINT THE CONFIRMATION PAGE.**
- i. Select the "Resolution" link in the confirmation page to create your county's resolution form.
- j. Print or download resolution. The system will allow the user to download a resolution as a Microsoft Word document or provide an opportunity to print the document. Please use the resolution printed from the website. The resolution must be adopted by the commissioners court.
- k. Please scan the resolution adopted by commissioners court and then upload it in the application page of the website **on or before the DUE DATE Monday, November 15, 2021.** Alternatively, you may email the resolution to Heather Caspers (hcaspers@ppri.tamu.edu) or fax it to 888-351-3485.

Contact Edwin Colfax, Grants Administrator, ecolfax@tidc.texas.gov or 512-463-2508 for questions.

Notice of Funding

- **Statement of Grant Award** — Statements of Grant Awards will be prepared as authorized by the Commission. These may include special conditions. The e-mail with the attached Statements of Grant Award will be directed to the official designated in the resolution adopted by the commissioners' court. The County will have thirty days to notify the grant administrator of errors or cancelation after receipt of the award.
- **Special Conditions** — The Commission may determine special conditions or authorize staff to apply the conditions on criteria set by the Commission (TAC 173.201). The Commission may develop special conditions that relate to expenditures, compliance with statutory requirements or standards adopted by the Commission.
- **Denial of Grant** — Counties not completing the grant application process or those not meeting minimum eligibility requirements will be notified by mail within 30 days following the Commission award meeting.

Use of Funds

Funds must be used to improve indigent defense systems. Attorney fees, investigator expenses, expert witness expenses, and other direct litigation costs that a county spends on behalf of a criminal defendant or juvenile respondent in a criminal matter that has been determined by a court of competent jurisdiction to be indigent are allowable expenses. All funds must be spent in compliance with the following: Texas Administrative Code, Title 1 Administration, Part 8 Texas Judicial Council, Chapter 173 Indigent Defense Grants; and Texas Uniform Grant Management Standards.

Payments

Awards will generally be distributed in four (4) equal quarterly disbursements. The Commission may approve single payments for awards below a certain threshold. The award letter will notify the county of the number of payments.

Counties must have met all eligibility, spending, and grant condition requirements before receiving payments. Payments will be made quarterly for most counties. Some counties may have a special conditions related to meeting minimum spending requirements. These counties will receive funds only after a supplemental expenditure report establishes that they have spent the predetermined minimum amount stated in the special condition.

No payment shall be made from grant funds to a county until all special conditions have been met unless the special condition adopted by the Commission provides an alternative payment schedule or instructions for payment. Commission staff shall maintain documentation through electronic/paper files or correspondence to the county stating how the special condition was met.

Maintain contact information

All counties must maintain the grant and plan officials contact information on counties' web page set up at <http://tidc.tamu.edu>. Counties must advise the Commission of changes in the authorized official, program director, financial officer, local administrative district judge, local administrative statutory county judge, chairman of the juvenile board and constitutional county judge by updating this website contact information. This information will be used to provide notices for grant or plan submission information. The Commission staff will use e-mail whenever possible to notify counties of required reports and funding opportunities.

Impact of Multi-year Discretionary Regional or Sustainability Grants

Counties that receive discretionary grants from the Commission are encouraged to continue to apply for the Formula Grant. Such counties may use their formula grant payments to maintain the discretionary grant program.

Notification of Availability

This FY22 Formula Grant - Request for Applications (RFA) is sent to all 254 Texas Constitutional County Judges. A courtesy notice is sent to all local administrative district judges, local administrative statutory county judges, chairman of juvenile board and each county auditor (or treasurer).

Authorization to Fund, Applicable Authority and Rules

Texas Government Code Sec. 79.037. TECHNICAL SUPPORT; GRANTS.

- (a) The commission shall:
 - (1) provide technical support to:
 - (A) assist counties in improving their indigent defense systems; and
 - (B) promote compliance by counties with the requirements of state law relating to indigent defense;
 - (2) to assist counties in providing indigent defense services in the county, distribute in the form of grants any funds appropriated for the purposes of this section; and
 - (3) monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant, including enforcement by:
 - (A) withdrawing grant funds; or
 - (B) requiring reimbursement of grant funds by the county.
- (b) The commission shall distribute funds as required by Subsection (a)(2) based on a county's compliance with standards adopted by the board and the county's demonstrated commitment to compliance with the requirements of state law relating to indigent defense.
- (c) The board shall adopt policies to ensure that funds under Subsection (a)(2) are allocated and distributed to counties in a fair manner.
- (d) A county may not reduce the amount of funds provided for indigent defense services in the county because of funds provided by the commission under this section.

Texas Administrative Code Chapter 173

Uniform Grant Management Standards (UGMS)

FY2022 Denton County Formula Grant Program Application

Please see RFA for full details of the grant.

Steps in Application Process

- Review your eligibility status in the box below. Each year the Commission adopts specific Indigent Defense Plan elements as eligibility requirements for the formula grant funds. These elements encourage each county's compliance with statutory requirements or policy and standards adopted by the Commission. **Regardless of the County's eligibility status, complete the on-line Formula Grant application. Contact the Texas Indigent Defense Commission for instructions to meet grant eligibility requirements.**

Indigent Defense Plan Review Summary		
As of 11/1/2021		
District Plan	County Plan	Juvenile Board Plan
Approved	Not Complete	Approved
The plans must be Complete (i.e. meet all requirements) before grant funds will be issued.		

- Verify the county information below and update if necessary.
- Submit a Resolution approved by Denton County's Commissioner Court and signed by the authorized official. A link will be available on the confirmation page to print out the Resolution. When a grant application is submitted via the Internet, the Commission will not consider it complete until the applicant provides a Resolution that is signed by the applicant's authorized official and that meets all deadlines for applications. The County Commissioners' Court must adopt the resolution provided through the application process that authorizes the grant request and takes responsibility for the appropriate expenditure of the funds. This form also certifies that the information submitted via the Internet is true and correct and that, if a grant is awarded, the county will abide by all relevant rules, policies, and procedures. **Please scan and upload the resolution adopted by commissioners' court on or before November 15, 2021 by using the link on the application page of this website.** Alternatively, you may email the resolution to indigentdefense@ppri.tamu.edu or fax it to (979) 845-0249.
- Meet grant award conditions such as Indigent Defense Plans and Expenditure Reports required throughout the year.

This form is completed using the information currently available to the Commission. Please review and make any corrections necessary.

County **Denton**
 Fiscal Year **2022**
 Projected Allocation **To Be Determined**
 County's FY01 Baseline. **\$1,624,832.00**
 State Payee Identification number **1756000920**
 Division or unit within the county to administer the grant **Denton County Judge**

Official County Mailing Address

Address (line 1) **Courthouse on the Square**
 Address (line 2 if needed) **110 W. Hickory**
 City **Denton**
 State **TX**
 ZIP **76201**

Agency designated by the Governor's Office under the Single Audit Act, if applicable

Officials Designated at the County Level

The County Judge and Financial Officer positions must be designated according to rule. The County Judge is the elected Constitutional County Judge for the county. The Financial Officer must be the County Auditor, or in the case of counties which do not have a county auditor, the County Treasurer. The Local Administrative District Judge, Local Administrative Statutory County Court Judge, and the Chairman of the Juvenile Board are also listed. If the county does not have any statutory county courts, the Constitutional County Judge should be listed in the Local Administrative Statutory County Court Judge position as the representative of the county courts.

If the information for these five positions is out-of-date, click on Cancel, update these positions from the county home page, and then re-enter this application.

The County Judge is **Andy Eads**.

The Financial Officer is the County Auditor, **Jeffry May**.

The Local Administrative District Judge is **Bruce McFarling**.

The Local Administrative Statutory County Court Judge is **Susan Piel**.

The Chairman of the Juvenile Board is **Kimberly McCary**.

Grant Officials

The Authorized Official must be authorized to apply for, accept, decline, modify, or cancel the grant for the applicant county. A county judge or a designee authorized by the governing body in its resolution may serve as the authorized official. The financial officer may not serve as the authorized official. *Texas Government Code §173.301(a)*

Authorized Official

Andy Eads
Courthouse on the Square
110 W. Hickory St.
Denton, TX 76201

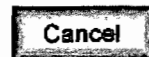
phone: 940-349-2820
Fax: 940-349-2821
email: andy.eads@dentoncounty.gov



Resolution: Click on link to open new window with Sample resolution. This may be printed or copied (Ctrl+A, Ctrl+C) and pasted (Ctrl+V) into Word Processing software for editing. Please note that this link will be available on the confirmation page and will contain the updated information from the submission. It is recommended that you use that version, but this is available for preview. [Word Version](#)

[Click here to upload signed 2022 Denton Resolution to server \(PDF format only\)](#)

[Click here to upload 2022 Denton supporting document to server \(PDF format only\)](#)



Approval of the Indigent Defense Grant Program Resolution to be eligible for Indigent Defense Formula Grant revenue from the Texas Indigent Defense Commission, and any appropriate action.



Denton County

Administrative Courthouse
1 Courthouse Drive
Denton, TX 76208

Request for Agenda Placement and Approval Flow

Drafter: jeff.may@dentoncounty.com

Requested Agenda Date: 11/09/2021

Department: Auditor/Treasurer

Grouping: Auditor/Treasurer

Short Title: 2022 Indigent Defense Grant Program Resolution

Agenda Number: 5. B.

Specific Agenda Wording

Approval of the Indigent Defense Grant Program Resolution to be eligible for Indigent Defense Formula Grant revenue from the Texas Indigent Defense Commission, and any appropriate action.

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	11/4/2021	Commissioners Court	Approve	11/9/2021
